

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

STEPHEN PATRICK KELLY,

Plaintiff,

vs.

CITY OF HELENA POLICE  
DEPARTMENT, BRETT PETTY, and  
BERKLEY CONRAD,

Defendants.

**No. CV-22-76-H-BMM**

**ORDER**

Plaintiff Stephen Patrick Kelly (“Kelly”) filed this action on September 12, 2022. (Doc. 2.) The Court granted Kelly’s Motion for leave to proceed in forma pauperis (Doc. 1) on November 9, 2022. (Doc. 4.) United States Magistrate Judge Kathleen DeSoto (“Magistrate Judge DeSoto”) issued Findings and Recommendations on January 4, 2023. (Doc. 7.) Magistrate Judge DeSoto recommended that Kelly’s action be dismissed without prejudice for failure to prosecute his case. (*Id.* at 4–5.)

The Court received a notice of undeliverable mail on January 23, 2023. (Doc. 8.) Local Rule 5.3(a)(2) provides that self-represented litigants “must promptly file with the court and serve upon all other parties a Notice of Change of Address specifying the new address for service.” L.R. 5.3(a)(2). Local Rule

5.3(b)(1) provides that the Court may dismiss, without prejudice, a complaint when a document “directed to a self-represented party by the court has been returned to the court as not deliverable.” L.R. 5.3(b)(1). The Court will dismiss Kelly’s Complaint for failure to provide an updated physical address pursuant to L.R. 5.3(a)(2) and L.R. 5.3(b)(1).

**ORDER**

Accordingly, **IT IS ORDERED:**

Plaintiff Kelly’s Complaint (Doc. 2) is hereby **DISMISSED without prejudice** for failure to provide an updated physical address. L.R. 5.3(a)(2), (b)(1). The Clerk of Court is directed to enter judgment forthwith.

DATED this 17th day of February, 2023.



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Brian Morris, Chief District Judge  
United States District Court